



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TERWIN WAREHOUSE MANAGEMENT
LLC, as Program Administrator for and
Assignee of TERWIN MORTGAGE
WAREHOUSE TRUST II, SERIES XVI,
and TERWIN ADVISORS LLC,

Plaintiffs,

-against-

SPECTRUM FINANCIAL GROUP, INC.,
JERRY CRAIG, SR. and
JERRY CRAIG, JR.,

Defendants.

07 Civ. 5632 (LTS)
ECF CASE

**ORDER GRANTING
SUMMARY JUDGMENT**

Plaintiffs Terwin Warehouse Management LLC, as Program Administrator for and Assignee of Terwin Mortgage Warehouse Trust II, Series XVI, and Terwin Advisors LLC, having moved the Court (Hon. Laura Taylor Swain), upon the Rule 56.1 Statement in Support of Motion for Summary Judgment Against Jerry Craig, Sr. ("Craig Sr.") and Jerry Craig Jr. ("Craig Jr."), dated December 6, 2007, the Declaration of Barbara Chell, dated December 5, 2007, and the exhibits thereto, the Declaration of Charles R. Jacob III, dated December 10, 2007, and the exhibits thereto, and Plaintiffs' Memorandum of Law in Support of Motion for Summary Judgment Against Defendants Craig Sr. and Craig Jr., for an order granting summary judgment pursuant to Fed. R. Civ. P. 56 in favor of said plaintiffs and against Craig Sr. and Craig Jr. on plaintiffs' Fourth, Fifth and Sixth Causes of Action; and

The Court having ordered, on December 11, 2007, that Craig Sr. and Craig Jr., show cause why such an order should not be entered; and

No such cause having been shown by Craig Sr. or Craig Jr.; and

A hearing on plaintiffs' motion having been held by the Court on January 18, 2008, at which the Court ruled that plaintiffs have made a sufficient evidentiary showing of their entitlement to the relief sought; and

The Court having further determined at such hearing that, in view of the fact that the remaining defendant, Spectrum Financial Group, Inc., is in bankruptcy proceedings in the District of Arizona, staying the claims against it in this action, and that the nature of the proof in this case is such that there is no significant risk of inconsistent judgments, there is no just reason for delay in entry of judgment against Craig Sr. and Craig Jr. on plaintiffs' Fourth, Fifth and Sixth Causes of Action pursuant to Rule 54(b) of the Federal Rules of Civil Procedure; it is hereby

ORDERED, pursuant to Fed. R. Civ. P. 56, that summary judgment is hereby GRANTED as follows:

- (1) In favor of plaintiff Terwin Warehouse Management LLC and against defendants Jerry Craig, Sr. and Jerry Craig Jr., jointly and severally, on said plaintiff's Fourth Cause of Action and Fifth Cause of Action, in the total amount of \$262,699.93, plus interest, in the amount of \$64.78 *per diem*, from June 1, 2007 to the date of judgment; and
- (2) In favor of plaintiff Terwin Advisors LLC and against defendants Jerry Craig Sr. and Jerry Craig Jr., jointly and severally, on said plaintiff's Sixth Cause of Action, in the amount of \$1,222,129.01, plus interest, in the amount of

\$301.35 *per diem*, from April 30, 2007 to the date of judgment.

The Clerk of the Court is hereby directed, pursuant to Fed. R. Civ. P. 54(b), to enter judgment accordingly.

Dated: New York, New York
January 22, 2008

A handwritten signature in black ink, appearing to be 'Laura T. Swain', written over a horizontal line.

Hon. Laura T. Swain
United States District Judge